

Appl. No. 09/408,943
Amendment and/or Response
Reply to Office action of 16 January 2004

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REMARKS

Claims 1-18 are pending in this application.

The Office action rejects claims 1-18 under 35 U.S.C. 102(b) over Brassell et al. (USP 5,684,510, hereinafter Brassell). The Applicant respectfully traverses this rejection.

The Applicant specifically claims, in claim 1:

(1) a *force modeler* that is configured to *model forces* that are applied to a glyph; and

(2) a *glyph positioner* that is configured to position the glyph based on the *forces* that are *modeled by the force modeler*.

The Applicant also specifically claims, in claim 10:

(1) *modeling forces* that are applied to a glyph; and

(2) selecting a placement of the glyph, based on the *modeled forces*.

Brassell teaches placing glyphs based on the height of the glyph (P), and other parameters (J and K) that are not related to the placement or shape of the glyph. Neither of these parameters P, J, or K corresponds to a force, even under the Examiner's broad interpretation of the noun "force".

The Examiner's attention is requested to MPEP 2131, wherein it is stated: "A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the subject Office action, the Examiner effectively asserts that, because Brassell controls the placement of the glyph, Brassell must be basing the placement on a model of forces: "Brassell meets Applicants argument by forcing the glyph to positions on the raster" (Office action, page 2, lines 9-10). The Applicant respectfully maintains that this assertion is equivalent to stating that because the prior art provides a similar effect (placing a glyph), the prior art must contain each of the Applicant's claimed

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elements and methods, and that such an assertion is contrary to accepted patent law, and specifically contrary to MPEP 2131.

Brassell includes a *glyph positioner*, but does NOT include a *force modeler*; Brassell's method includes selecting a placement of the glyph, but does NOT include *modeling forces* and placing the glyph *based on these forces*.

Because Brassell does not include each of the Applicant's claimed elements, as specifically required by MPEP 2131, the Applicant respectfully requests the Examiner's reconsideration of the rejection of claims 1-18 under 35 U.S.C. 102(b) over Brassell.

In view of the foregoing, the Applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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